

JOURNAL OF THE HOUSE

First Regular Session, 93rd GENERAL ASSEMBLY

TWENTY-EIGHTH DAY, WEDNESDAY, FEBRUARY 23, 2005

The House met pursuant to adjournment.

Speaker Pro Tem Bearden in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, some may take great pride in their work, some in their possessions and others in their accomplishments, but we take pride in the name of the LORD our God. Many collapse and fall in their own strength, but we rise and stand firm in Your strength. O LORD, give us success in our endeavors. May You answer us each time we call.

Whatever our hands find to do, may we do it with all our strength, trusting always in You. There is no work, planning, knowledge, or wisdom accomplished adequately apart from You.

May we consider wisely the many bills set before us this day, may the debates be lively but fruitful, and at the end of the day, may we rest with confidence knowing that we have done our best.

Now may the grace of our Lord rest and abide with each of us throughout this day.

In the exalted name of Your Son we pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Kaitlyn Young.

The Journal of the twenty-seventh day was approved as printed.

SPECIAL RECOGNITION

The Blair Oaks Falcons Football Team was introduced by Representative Bruns and recognized for achieving the status of Missouri Class 2A State Champions.

HOUSE RESOLUTIONS

Representative Stevenson offered House Resolution No. 741.

Representative Bruns offered House Resolution No. 757.

HOUSE CONCURRENT RESOLUTIONS

Representative Sutherland, et al., offered House Concurrent Resolution No. 23.

Representative Bowman, et al., offered House Concurrent Resolution No. 24.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 739 - Representatives Goodman and Sater

House Resolution No. 740 - Representative Phillips

House Resolution No. 742

through

House Resolution No. 744 - Representative Selby

House Resolution No. 745

and

House Resolution No. 746 - Representative Jackson

House Resolution No. 747 - Representative Cooper (158)

House Resolution No. 748 - Representative Kuessner

House Resolution No. 749 - Representative Robinson

House Resolution No. 750 - Representatives Deeken and Bruns

House Resolution No. 751

through

House Resolution No. 753 - Representative Lager

House Resolution No. 754 - Representative Swinger

House Resolution No. 755 - Representative Donnelly, et al.

House Resolution No. 756 - Representative Johnson (61)

House Resolution No. 758

and

House Resolution No. 759 - Representative Nance

SECOND READING OF HOUSE JOINT RESOLUTION

HJR 19 was read the second time.

SECOND READING OF HOUSE BILLS

HB 602 through **HB 612** were read the second time.

COMMITTEE REPORTS

Committee on Rules, Chairman Cooper (120) reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 14**, begs leave to report it has examined the same and recommends that it **Do Pass, with no time limit for debate**.

Mr. Speaker: Your Committee on Rules, to which was referred **SS SCS SB 98**, begs leave to report it has examined the same and recommends that it **Do Pass, with a time limit of 5 hours for debate on Third Reading**.

PERFECTION OF HOUSE BILL

HCS HB 468, relating to the Linked Deposit Program, was taken up by Representative Richard.

Representative Lager offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 468, Page 20, Section 30.860, Line 71, by inserting after all of said line the following:

"Section 1. 1. There is hereby created in the state treasury the "State Treasurer's General Operations Fund" which shall receive deposits, make disbursements and be administered in compliance with the provisions of this section.

2. Subject to appropriation, moneys in the state treasurer's general operations fund shall be used solely to pay for personal service, equipment and other expenses of the state treasurer related to the state treasurer's constitutional and statutory responsibilities, exclusive of any personal service, equipment and other expenses attributable to positions wholly dedicated to the functions described in chapter 447, RSMo. The commissioner of administration shall review and approve all requests of the state treasurer of disbursements from the state treasurer's general operations fund for compliance with the provisions of this section. Nothing in this section shall be deemed to prevent the general assembly from making appropriations to the state treasurer from other permissible sources.

3. Notwithstanding any other provisions of law to the contrary, moneys shall be deposited in the state treasurer's general operations fund and administered in accordance with the following provisions:

(1) On a daily basis, the state treasurer shall apportion any interest or other increment derived from the investment of funds in an amount proportionate to the average daily balance of funds in the state treasury. The state treasurer shall use a method in accordance with generally accepted accounting principles in apportioning and distributing that interest or increment. Prior to distributing that interest or increment, the state treasurer shall deduct the costs incurred by the state treasurer in administering this chapter in proportion to the average daily balance of the amounts deposited to each fund in the state treasury. The state treasurer shall then deposit the identified portion of the daily interest receipts in the "State Treasurer's General Operations Fund". All other remaining interest received on the investment of state funds shall be allocated and deposited to funds within the state treasury as required by law.

(2) The total costs for personal service, equipment and other expenses of the state treasurer related to the state treasurer's constitutional and statutory responsibilities, exclusive of any personal service, equipment and other expenses attributable to positions wholly dedicated to the functions described in chapter 447, RSMo, and any banking fees and other banking-related costs, shall not exceed ten basis points, or one-tenth of one percent, of the total of the average daily fund balance of funds within the state treasury.

4. Notwithstanding the provisions of section 33.080, RSMo, moneys in the "State Treasurer's General Operations Fund" shall not lapse to the general revenue fund at the end of the biennium unless and only to the extent to which the amount in the fund exceeds the annual appropriations from the fund for the current fiscal year.

Section B. Because of the need to provide consistent funding to the State Treasurer's Office to allow the office's primary functions to proceed in a timely and efficient manner, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.""; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Cooper (120) assumed the Chair.

Representative Johnson (90) offered **House Amendment No. 1 to House Amendment No. 1**.

House Amendment No. 1
to
House Amendment No. 1

AMEND House Amendment No. 1, Page 2, Line 6 for House Committee Substitute for House Bill No. 468 by deleting the words, “**State Treasurer’s General Operations Fund**” and inserting in lieu thereof the following words, “**“First Steps Program” to be used for the administration and implementation of IDEA, Part C, through the first steps program, and shall promulgate regulations implementing the requirements of Part C of IDEA, consistent with federal regulations, 34 C.F.R. 303, et seq.**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Johnson (90), **House Amendment No. 1 to House Amendment No. 1** was adopted by the following vote:

AYES: 157

Aull	Baker 123	Baker 25	Barnitz	Bearden
Behnen	Bivins	Black	Bland	Bowman
Boykins	Bringer	Brooks	Brown 30	Brown 50
Bruns	Burnett	Byrd	Chappelle-Nadal	Casey
Chinn	Cooper 120	Cooper 155	Cooper 158	Corcoran
Cunningham 145	Cunningham 86	Curls	Darrough	Daus
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Donnelly	Dougherty	Dusenberg
El-Amin	Emery	Ervin	Faith	Fares
Fisher	Flook	Franz	Fraser	George
Goodman	Guest	Harris 110	Harris 23	Haywood
Henke	Hobbs	Hoskins	Hubbard	Hughes
Hunter	Ice	Jackson	Johnson 47	Johnson 61
Johnson 90	Jolly	Jones	Kelly	Kingery
Kratky	Kraus	Kuessner	Lager	Lampe
Lembke	LeVota	Liese	Lipke	Loehner
Low 39	Lowe 44	Marsh	May	McGhee
Meadows	Meiners	Moore	Munzlinger	Muschany
Myers	Nance	Nieves	Oxford	Page
Parson	Pearce	Phillips	Pollock	Portwood
Pratt	Quinn	Rector	Richard	Roark
Robb	Robinson	Roorda	Rucker	Ruestman
Rupp	Salva	Sander	Sater	Schaaf
Schad	Schlottach	Schneider	Schoemehl	Selby
Self	Shoemyer	Skaggs	Smith 118	Smith 14
Spreng	Stefanick	Stevenson	St. Onge	Storch
Sutherland	Swinger	Threlkeld	Tilley	Viebrock
Villa	Vogt	Wagner	Wallace	Walsh
Walton	Wasson	Wells	Weter	Wildberger
Wilson 119	Wilson 130	Witte	Wood	Wright-Jones
Wright 137	Wright 159	Yaeger	Yates	Young
Zweifel	Mr Speaker			

NOES: 001

Whorton

PRESENT: 000

ABSENT WITH LEAVE: 004

Avery Bean Nolte Parker

VACANCIES: 001

Speaker Pro Tem Bearden resumed the Chair.

On motion of Representative Lager, **House Amendment No. 1, as amended**, was adopted by the following vote:

AYES: 152

Aull	Baker 123	Baker 25	Barnitz	Bearden
Behnen	Bivins	Black	Bland	Bowman
Boykins	Bringer	Brooks	Brown 30	Brown 50
Bruns	Burnett	Byrd	Chappelle-Nadal	Casey
Chinn	Cooper 120	Cooper 155	Cooper 158	Corcoran
Cunningham 145	Cunningham 86	Curls	Darrough	Daus
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Donnelly	Dougherty	Dusenberg
El-Amin	Emery	Ervin	Faith	Fares
Fisher	Flook	Franz	Fraser	George
Goodman	Guest	Harris 110	Harris 23	Haywood
Henke	Hobbs	Hoskins	Hubbard	Hughes
Hunter	Icet	Jackson	Johnson 47	Johnson 61
Johnson 90	Jolly	Jones	Kelly	Kingery
Kratky	Kraus	Kuessner	Lager	Lampe
Lembke	LeVota	Liese	Lipke	Loehner
Low 39	Lowe 44	Marsh	May	McGhee
Meadows	Meiners	Munzlinger	Muschany	Nance
Nieves	Oxford	Page	Parker	Pearce
Phillips	Pollock	Portwood	Pratt	Quinn
Rector	Richard	Robb	Robinson	Roorda
Rucker	Ruestman	Rupp	Sander	Sater
Schaaf	Schad	Schlottach	Schneider	Schoemehl
Selby	Self	Shoemyer	Skaggs	Smith 14
Spreng	Stefanick	Stevenson	St. Onge	Storch
Sutherland	Swinger	Threlkeld	Tilley	Viebrock
Villa	Vogt	Wagner	Wallace	Walsh
Walton	Wasson	Wells	Weter	Wildberger
Wilson 119	Wilson 130	Witte	Wood	Wright-Jones
Wright 137	Wright 159	Yaeger	Yates	Young
Zweifel	Mr Speaker			

NOES: 004

Myers Roark Smith 118 Whorton

PRESENT: 000

ABSENT WITH LEAVE: 006

Avery
Salva

Bean

Moore

Nolte

Parson

VACANCIES: 001

On motion of Representative Richard, **HCS HB 468, as amended**, was adopted.

On motion of Representative Richard, **HCS HB 468, as amended**, was ordered perfected and printed.

COMMITTEE REPORTS

Committee on Children and Families, Chairman Phillips reporting:

Mr. Speaker: Your Committee on Children and Families, to which was referred **HB 100**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Committee on Crime Prevention and Public Safety, Chairman Lipke reporting:

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **HB 365**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Committee on Financial Institutions, Chairman Cunningham (145) reporting:

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **HB 379**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Committee on Health Care Policy, Chairman Cooper (155) reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HB 131**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Committee on Judiciary, Chairman Byrd reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 49** and **HB 50**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Committee on Veterans, Chairman Jackson reporting:

Mr. Speaker: Your Committee on Veterans, to which was returned **HCS HBs 94 & 185**, begs leave to report it has examined the same and recommends that the **House Committee Substitute No. 2 Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

HB 613, introduced by Representatives Kelly, Schlottach, Nieves, Deeken, Wells, Roark and Wilson (130), relating to sales tax exemptions.

HB 614, introduced by Representative Bruns, to authorize the conveyance of property owned by the state in Cole County to the Regional West Fire District.

HB 615, introduced by Representatives Roorda, Wildberger and Meadows, relating to the right to petition for a trial de novo.

HB 616, introduced by Representatives Roorda and Meadows, relating to vintage wine sales by municipalities.

HB 617, introduced by Representatives Kelly, Wells, Day and Wallace, relating to watershed districts.

HB 618, introduced by Representatives Bearden, Behnen, Wagner, Lager, Moore, Wildberger, Barnitz and Icet, relating to exemptions to highway patrol personnel.

HB 619, introduced by Representatives Bruns and Deeken, to authorize the conveyance of property owned by the state in Cole County.

HB 620, introduced by Representatives Schaaf, Cooper (155), Page and Threlkeld, relating to physician referrals for medical diagnosis.

HB 621, introduced by Representatives Wright-Jones, Chappelle-Nadal, Haywood, Bowman, Brown (50), Curls, Fraser, Baker (25), Bland, Hoskins, Donnelly, Whorton, Walton, Darrough, Zweifel and Johnson (61), relating to contraception.

HB 622, introduced by Representatives Kuessner, Harris (110), Henke, Wagner, Robinson, Bringer, Shoemyer, Witte, Aull, Barnitz and Swinger, relating to premium rates for medical malpractice insurance.

HB 623, introduced by Representative Skaggs, relating to state employee retirement.

HB 624, introduced by Representative Skaggs, relating to public retirement systems.

HB 625, introduced by Representative Skaggs, relating to public retirement systems.

HB 626, introduced by Representative Schaaf, relating to health care data collection and reporting.

HB 627, introduced by Representatives Bivins, Villa, McGhee, Wood, Parker, Flook and Wilson (119), relating to water pollution control bonds.

HB 628, introduced by Representative Byrd, relating to unlawful discriminatory practice in employment.

HB 629, introduced by Representatives Pollock, Richard, Sutherland, Sater, Goodman, Ruestman, Nieves, Cooper (120), Dixon, Kraus, Flook, Wells, Lipke, McGhee, Jones, Wright (159), Parson, Day, Tilley, Nance, Emery, Denison, Schad, Kingery, St. Onge and Munzlinger, relating to local economic development sales tax.

HB 630, introduced by Representative Pollock, relating to not-for-profit corporations.

HB 631, introduced by Representative Portwood, to authorize the governor to convey land owned by the state in the City of Manchester.

HB 632, introduced by Representatives Sutherland, Schlottach, Pearce, Cooper (158), Threlkeld, Icet, Dixon, Faith, Cooper (120), May, Jetton and Richard, relating to bicycle safety.

HB 633, introduced by Representatives Lipke and Bringer, relating to drug regulations.

HB 634, introduced by Representatives Myers, Hobbs, Munzlinger and Quinn, relating to the Missouri highway safety enforcement division.

HB 635, introduced by Representative St. Onge, relating to passing zones.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 24**, entitled:

An act to repeal section 488.426, section 488.429, RSMo, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161, ninety-second general assembly, second regular session, and section 488.429, RSMo, as enacted by senate committee substitute for house committee substitute for house bill no. 798 merged with house committee substitute for senate bill no. 1211, ninety-second general assembly, second regular session, and to enact in lieu thereof two new sections relating to limitations on the use of law library funds.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 69**, entitled:

An act to authorize the conveyance of property owned by the state in Jackson County to the City of Kansas City, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 70**, entitled:

An act to repeal sections 100.710 and 135.284, RSMo, section 100.840 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session, section 100.840 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, section 100.850 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1182, ninety-second general assembly, second regular session, section 100.850 as enacted by house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, first regular session, and section 100.850 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 1394, ninety-second general assembly, second regular session, and to enact in lieu thereof four new sections relating to business use incentives for large-scale development.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 86**, entitled:

An act to repeal section 523.050, RSMo, and to enact in lieu thereof one new section relating to eminent domain.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 99**, entitled:

An act to repeal section 620.602, RSMo, and to enact in lieu thereof one new section relating to the joint committee on economic development policy and planning.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 100**, entitled:

An act to repeal sections 345.015, 345.022, 345.050, and 345.080, RSMo, and to enact in lieu thereof four new sections relating to the licensing of speech-language pathologists and audiologists.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 141**, entitled:

An act to repeal sections 301.550 and 301.560, RSMo, and to enact in lieu thereof two new sections relating to the licensure of dealers who sell emergency vehicles.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 174**, entitled:

An act to authorize the conveyance of property owned by the state in Cole County to the Regional West Fire District, with an emergency clause.

Emergency clause adopted

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 178**, entitled:

An act to repeal sections 330.010, 330.020, 330.030, 330.040, 330.045, 330.050, 330.065, 330.070, 330.080, 330.090, 330.100, 330.110, 330.160, 330.180, 330.200, and 330.210, RSMo, and to enact in lieu thereof sixteen new sections relating to podiatrists, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 180**, entitled:

An act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of Ronald Reagan Day in Missouri.

In which the concurrence of the House is respectfully requested.

The following member's presence was noted: Nolte.

ADJOURNMENT

On motion of Representative Dempsey, the House adjourned until 10:00 a.m., Thursday, February 24, 2005.

COMMITTEE MEETINGS

JOB CREATION AND ECONOMIC DEVELOPMENT

Monday, February 28, 2005, 3:30 p.m. House Chamber side gallery. AMENDED
Executive session will be held on: HB 348

LOCAL GOVERNMENT

Thursday, February 24, 2005, 8:00 a.m. Hearing Room 6.
Executive session will follow. AMENDED
Public hearings to be held on: HB 200, HB 342, HB 343, HB 344, HB 345, HB 448

SENIOR CITIZEN ADVOCACY

Thursday, February 24, 2005, 8:00 a.m. Hearing Room 1.

Executive session may follow. AMENDED

Public hearings to be held on: HB 169, HB 420, HB 141

SPECIAL COMMITTEE ON URBAN ISSUES

Monday, February 28, 2005, Hearing Room 1 upon evening adjournment.

Executive session may follow.

Public hearings to be held on: HB 413, HB 508, HB 374, HB 286

SUBCOMMITTEE FOR JOINT COMMITTEE ON CAPITAL IMPROVEMENTS

Thursday, February 24, 2005, 1:00 p.m. Senate Committee Room 1.

Personnel matters.

TOURISM

Thursday, February 24, 2005, 9:00 a.m. House Lounge.

Presentation of the annual report by the Tourism Commission.

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Thursday, February 24, 2005, House Chamber south side gallery upon morning adjournment.

Executive session.

HOUSE CALENDAR

TWENTY-NINTH DAY, THURSDAY, FEBRUARY 24, 2005

HOUSE BILLS FOR SECOND READING

HB 613 through HB 635

HOUSE BILL FOR PERFECTION

HCS HB 347 - Pratt

HOUSE BILLS FOR PERFECTION - CONSENT

(2/22/05)

1 HB 248 - Pearce

2 HCS HB 297 - Pearce

HOUSE BILL FOR THIRD READING

HCS HB 468, E.C. - Richard

SENATE BILLS FOR SECOND READING

- | | |
|----|------------|
| 1 | SCS SB 24 |
| 2 | SCS SB 69 |
| 3 | SCS SB 70 |
| 4 | SB 86 |
| 5 | SB 99 |
| 6 | SCS SB 100 |
| 7 | SB 141 |
| 8 | SB 174 |
| 9 | SB 178 |
| 10 | SB 180 |

SENATE BILL FOR THIRD READING

SS SCS SB 98 - Marsh	(5 hours debate on Third Reading)
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HOUSE CONCURRENT RESOLUTION

HCR 11, (2-17-05, Pages 351-352) - Sander